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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,685	07/31/2003	Tidhar Ziv	11884/403401	7660

23838 7590 07/26/2006

KENYON & KENYON LLP
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WASHINGTON, DC 20005

EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/630,685

Applicant(s)

ZIV, TIDHAR

Examiner

Miranda Le

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Claims 61-68 are added. (See 37 CFR 1.116 and 41.33(a)).

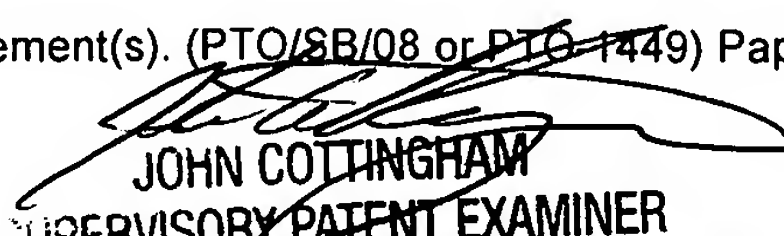
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

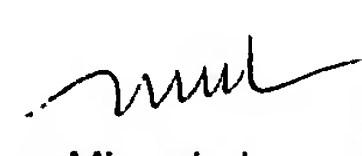
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO 1449) Paper No(s). _____.
13. ☐ Other: _____.


JOHN COTTINGHAM
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TECHNOLOGY CENTER 2100


Miranda Le
July 24, 2006

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

Firstly, as to claims 1, 11, 35, 42, Davis teaches a method for accessing data in a server-based business database system using an external program on a client system, the method comprising:

instantiating a company object (i.e. dynamic instance of a given class, col. 4, lines 35-51; i.e. set instance, col. 8, line 14) on the client system (i.e. application computer 150, Fig. 2A) as an instance of a company class (i.e. factory class, abstract) confirming to a component object model standard to access data (i.e. resources, col. 3, line 53 to col. 4, line 2; i.e. COM, col. 6, line 54) in the server-based business database system (system 110 in Fig. 2A) (col. 3, line 53 to col. 4, line 62; col. 6, lines 48-60, col. 7, line 32 to col. 8, line 28);

setting a least one property (i.e. dynamic property values, col. 4, lines 35-51) of said company object (col. 3, line 53 to col. 4, line 62; i.e. The method Set Instance invokes a repository to add or update the specified CIM instance to the specified namespace, col. 8, lines 14-16); and

invoking a connect method (i.e. supplies methods, col. 4, lines 35-51; i.e. a method is used for communication between a Common Information Model (CIM) object manager and a CIM repository. The method involves first creating a connection between the object manager the CIM repository, col. 2, lines 63-65) within said company object, said connect method opening a software connection to said business database (i.e. computer system 110 having resources, col. 3, line 53 to col. 4, line 2; i.e. CIM repository stores classes, abstract) (col. 3, line 53 to col. 4, line 62; col. 2, lines 56 to col. 3, line 21, col. 5, line 8 to col. 6, line 3, col. 7, line 32 to col. 8, line 28).

Secondly, in response to the applicant's argument that Davis does not know anything about the objects to be instantiated" or "instantiating a company objects on a client system", it has been brought to the applicant's attention that the CIM Repository 130 of Davis stores classes and instances (col. 6, lines 31-40), which is an object of a class (i.e. a company object in claim 1). These classes and instances (i.e. classes or objects) are managed by an object manager 20 (col. 4, lines 53-62).

The client receives a reference (i.e. a company object in claim 1) from the CIM Repository 130 through the object manager 20 (col. 4, lines 52-62).

It should be noted that the references in CIM Repository CIM are classes and instances (col. 6, lines 31-40), therefore, a references or instances of a class equates to "a company object" recited in claim 1.

Therefore, the step of "When a WBEM client connects to object manager 20 it receives a reference to that object manager" (col. 4, lines 52-62) equates to the step of "instantiating a company object on the client system" limitation in claim 1.

Thirdly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the client does not necessarily have to access the server to instantiate the object but need only connect to the server to act on server data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments filed 06/30/06 have been fully considered but they are not persuasive.